

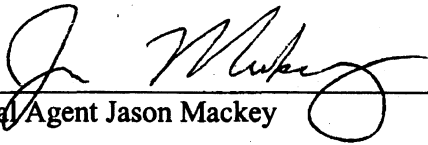
UNITED STATES OF AMERICA,)	CR No. 07-678 JSW
)	
Plaintiff,)	DECLARATION OF JASON MACKEY
v.)	
)	
GLENIO SILVA,)	
)	
Defendant.)	

I, Jason Mackey, declare the following to be true under pain of perjury:

1. I am a Special Agent with Immigration and Customs Enforcement. I have been an agent for six years.
2. On June 16, 2007, I was responsible for transporting Glenio Silva from the ICE Offices at 630 Sansome Street, San Francisco to the Santa Clara Jail along with Special Agent Christopher Purfeerst. Special Agent Purfeerst and I were in the front seat of the vehicle and Mr. Silva was in the backseat during the transport.
3. At the time we were transporting Mr. Silva, I knew that he had invoked his right to counsel during an earlier interview with other ICE agents. In light of this information, I did not engage in any conversation with Mr. Silva, attempt to speak with him, or seek to elicit any statements from him. Special Agent Purfeerst also did not engage in conversation with, attempt to speak with, or elicit statements from Mr. Silva while we were transporting him.
4. While we were transporting Mr. Silva, Special Agent Purfeerst and I were speaking to each other about matters unrelated to Mr. Silva or his case. I do not recall the subject of our conversation. However, our conversation was not directed at Mr. Silva or intended to elicit any statements from him.
5. During the trip from San Francisco to the Santa Clara jail, Mr. Silva was asking questions about his case. Special Agent Purfeerst and I advised him that because he had invoked his right to counsel, we could not speak to him and could not discuss his case. Shortly after we advised him of this fact, he looked out the window, gestured to shops, and made the following unprompted utterance – “I employed illegal people and you arrested me. All these places employ illegal people, what about them?” Mr. Silva volunteered this statement. He did not make this statement in response to a question or a comment made by me or Special Agent Purfeerst. Neither Special Agent Purfeerst nor I made any statement in response to Mr. Silva.

6. I memorialized this statement by Mr. Silva in a report which is attached to this Declaration as Exhibit 1 and which bears bates numbers OPPH00063-64.

EXECUTED THIS 18 DAY OF JULY 2008.


Special Agent Jason Mackey